

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	SACV 17-00642 AG (DFMx)	Date	June 12, 2017
Title	DOO KO v. DITECH FINANCIAL, LLC ET AL.		

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Present: The Honorable	ANDREW J. GUILFORD
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Lisa Bredahl

Not Present

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Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

**Proceedings: [IN CHAMBERS] ORDER DENYING MOTION TO  
REMAND**

Plaintiff Doo Ko sued Defendants Ditech Financial, LLC (“Ditech”) and Barrett Daffin Frappier Treder and Weiss LLP (“Barrett”) in state court for foreclosure related claims. Defendants removed the case to this Court, invoking the Court’s subject matter and supplemental jurisdictions. Ditech then moved to dismiss the complaint but before the Court could make a ruling on that motion, Plaintiff filed a notice of voluntary dismissal of Ditech. (Dkt. No. 16.) That motion to dismiss is thus now moot. (Dkt. No. 7.)

The case hasn’t been closed yet because Barrett hasn’t been dismissed. But Barrett has filed a declaration of non monetary status and isn’t required, as the trustee, to participate in this action. *See* Cal. Civ. Code § 29241(a), (d). So it’s unclear whether Ko meant to dismiss the entire action or not. Putting that aside, the Court will rule on Ko’s pending motion to remand the case. (Dkt. No. 10.)

A federal district court has “original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States.” 28 U.S.C. § 1331. Ko states that the “complaint didn’t have any claims arising out of any of the grounds for putting the case into Federal Court, except for the Tila claim.” (*Id.* at 3.) And apparently, “Plaintiff would stipulate to dismiss the Tila/Respa Cause of action, if the court grants the motion to remand.” (*Id.*) But as Plaintiff admits, the Court *does* currently have subject matter jurisdiction over the case

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because of the Truth in Lending Act and the Real Estate Settlement Procedures Act claims. And so long as the complaint hasn't been amended to allege only state law claims, the Court cannot remand the case for lack of subject matter jurisdiction.

**LITIGANTS WITHOUT LAWYERS**

The Court notes that Plaintiff is proceeding without a lawyer. People who represent themselves in court without a lawyer are called "pro se litigants." These people often face special challenges in federal court. The Public Law Center runs a free Federal Pro Se Clinic at the Santa Ana federal courthouse where pro se litigants can get information and guidance. Visitors to the clinic must make an appointment by calling (714) 541-1010 (x222). The clinic is located in Room 1055 of the Ronald Reagan Federal Building and United States Courthouse, 411 W. 4th Street, Santa Ana, CA. More information about the clinic may be found by visiting <http://court.cacd.uscourts.gov/cacd/ProSe.nsf> and selecting "Pro Se Clinic - Santa Ana."

**DISPOSITION**

The Court DENIES the motion to remand the case. (Dkt. No. 10.)

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